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Attorney Docket No. 10057-719.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/840,188 Confirmation No.: 7264
Applicant : Mark L. MATHIS et al.
Filing Date : May 5, 2004
Title : Device and Method for Modifying the Shape of a Body Organ
Group Art Unit : 3731
Examiner : Tuan Van NGUYEN
Docket No. : 10057-719.201
Customer No. : 66854

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313
Sir:

AMENDMENT ACCOMPANYING RCE
AFTER NOTICE OF APPEAL

Introductory Comments:

This Amendment accompanies a Request for Continued Examination, and is subsequent to filing a Notice of Appeal on October 21, 2008. This response, therefore, is due December 21/22, 2008 and is therefore deemed timely filed.

Please enter the amendments and consider the remarks as follows.

Amendments to the Specification are not being made at this time.

Amendments to the Claims begin on page 2.

Remarks / Arguments begin on page 6 of this paper.